

REMARKS

The Advisory Action mailed April 3, 2006, in connection with the above-identified application, is noted. In this Advisory Action, the Examiner has indicated that for purposes of appeal, the proposed amendments in the Amendment After Final Rejection filed March 10, 2006, would be entered, and that claims 26-28 would be allowed; however, rejection of claims 1, 3-7, 12, 13, 15-20, 22, 24 and 25 would be maintained. The Examiner is thanked for the indicated allowance of claims 26-28.

As the Examiner indicated in this Advisory Action that the proposed amendments would be entered "for purposes of appeal", and since an appeal has not been filed in the above-identified application, by the present amendments Applicants are canceling (in addition to previously cancelled claims 2, 8-11, 14 and 21) rejected claims 1, 3-7, 12, 13, 15-20, 22, 24 and 25. Accordingly, all rejections in the application are moot. Please note that the rejected claims are being cancelled without prejudice or disclaimer, and in particular without prejudice to the filing of a Continuing application directed to the subject matter thereof.

Moreover, and again emphasizing that the proposed amendments in the Amendment After Final Rejection filed March 10, 2006, have not yet been entered since an appeal has not been filed in the above-identified application, for purposes of simplification claims 26-28 have also been cancelled without prejudice or disclaimer, and newly added claims 29-31 substituted therefor. Claims 29-31 are the same as claims 26-28, respectively, as in the Amendment After Final Rejection filed March 10, 2006, but are being added (together with canceling of claims 26-28) since an appeal has not been filed in the above-identified application, and, in consequence, the Amendment After Final Rejection filed March 10, 2006, has not been entered.

Docket No. 520.43328X00
Appln. No. 10/733,385
April 12, 2006

It is respectfully submitted that entry of the present amendments is proper under 37 CFR 1.116(b)(1), notwithstanding Finality of the Office Action mailed December 12, 2005. In this regard, it is emphasized that the present amendments cancel claims and set forth subject matter of previously considered claims in independent form, thereby falling within the purview of 37 CFR 1.116(b)(1) (the setting forth of subject matter of previously considered claims 26-28 in independent form, are amendments complying with a requirement of form expressly set forth in a previous Office Action).

Noting that only claims 29-31 remain in the above-identified application, which the Examiner has indicated contain allowable subject matter, entry of and allowance of the remaining claims in the application, and passing of the above-identified application to issue in due course, are respectfully requested.

Applicants request any shortage of fees due in connection with the filing of this paper be charged to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (case 520.43328X00), and credit any excess payment of fees to such Deposit Account.

Respectfully submitted,

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